



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/998,724

11/30/2001

Rolf Bruck

E-41365

7179

24131 7590 04/24/2008
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER

DUONG, THANH P

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

04/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROLF BRUCK

Appeal 2008-1291
Application 09/998,724
Technology Center 1700

Decided: April 24, 2008

Before EDWARD C. KIMLIN, BRADLEY R. GARRIS, and
KAREN M. HASTINGS, *Administrative Patent Judges*.

GARRIS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134 from the Examiner's decision rejecting claims 5-7, 14, and 17-20. We have jurisdiction under 35 U.S.C. § 6.

We AFFIRM.

Appellant claims a honeycomb body 4 comprising ceramic walls 8 all being entirely formed of printed layers and at least one of a measuring

sensor 15 or an electrically conductive mass 17 integrated into one of the ceramic walls (Figs. 1-2; claim 5).

Representative claim 5 reads as follows:

5. A honeycomb body, comprising:

ceramic walls all being entirely formed of printed layers forming channels through which a fluid can flow, said channels lying next to one another; and

at least one of at least one measuring sensor and an electrically conductive mass integrated into one of said ceramic walls.

The references set forth below are relied upon by the Examiner as evidence of obviousness:

Maus	5,474,746	Dec. 12, 1995
Bauer	5,714,103	Feb. 3, 1998

All appealed claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer in view of Maus.

The dependent claims have not been argued separately from sole independent claim 5 (Br. 15). Accordingly, in assessing the merits of the rejection before us, we will focus on independent claim 5 with which the dependent claims will stand or fall.

We will sustain this rejection for the reasons expressed in the Answer and below.

The Examiner has made the undisputed finding that Bauer discloses a honeycomb body which corresponds to that of claim 5 except for the claim

requirement "at least one of at least one measuring sensor and an electrically conductive mass integrated into one of said ceramic walls" (claim 5; Ans. 3). Nevertheless, the Examiner concludes that it would have been obvious for one with ordinary skill in this art to integrate into one of Bauer's ceramic walls a temperature measuring conductor or sensor in order to measure the wall temperature of the honeycomb body as taught by Maus (Maus, col. 3, ll. 41-60, para. bridging cols. 4-5, col. 5, ll. 26-38, Figs. 1, 2, 4; Ans. 4).

In support of a nonobviousness position, Appellant argues that an artisan would never have combined Bauer and Maus because the respective honeycomb structures thereof are produced by "completely different methods" (Br. 9). In this regard, Appellant emphasizes that "the Maus reference clearly points in the direction of first manufacturing the walls of the honeycomb body (the foils) with voids or structures, before the sensor is positioned between two corresponding shaped foils" (Br. 9-10). Therefore, in Appellant's view, if the artisan "were to make a combination of Bauer and Maus, first the walls of the ceramic honeycomb structure would need to be manufactured according to a printing method [as taught by Bauer], and afterwards the sensor [as taught by Maus] would have to be positioned between two such printed layers before the honeycomb structure was finally formed" (Br. 10).

Like the Examiner, we conclude that an artisan would have been motivated to integrate into a ceramic wall of Bauer's honeycomb body a measuring conductor or sensor in order to measure the wall temperature of the honeycomb body as taught by Maus. Moreover, as indicated above by

Appellant, it would have been obvious for an artisan to so combine the applied reference teachings by first using Bauer's printing method to manufacture a honeycomb body comprising ceramic walls with a void into which is integrated a prefabricated measuring conductor or sensor in accordance with the teachings of Maus (Fig. 2, para. bridging cols. 4-5). The result of this combination would fully satisfy the requirements of appealed claim 5.

Concerning this last mentioned point, we find nothing and Appellant points to nothing in the claim 5 language which excludes the above discussed combination of a honeycomb body of the type taught by Bauer and a prefabricated conductor or sensor of the type taught by Maus. To the contrary, when properly interpreted, claim 5 appears to clearly encompass such a combination. In this regard, we remind Appellant that the claim must be given its broadest reasonable interpretation consistent with the specification. *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). We also remind Appellant that the subject Specification expressly teaches using a prefabricated measuring sensor in producing Appellant's honeycomb body invention (Spec. para. bridging 7-8). Therefore, an artisan would interpret claim 5 consistent with the Specification to encompass the combination of a prefabricated measuring sensor as taught by Maus integrated into a ceramic wall of a honeycomb body of the type defined by claim 5 and disclosed by Bauer.

For the reasons stated above and in the Answer, we sustain the § 103 rejection of all appealed claims as being unpatentable over Bauer in view of Maus.

The decision of the Examiner is affirmed.

Appeal 2008-1291
Application 09/998,724

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

cam

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480